

Annex A

Some of the following information is provided as extracts because it comes from documents and Teams messages containing other information outwith the scope of your request.

[Item 1 – Extract from briefing document]

- The Scottish Government supports the objectives of the international Treaty on the Prohibition of Nuclear Weapons and the Treaty on the Non-Proliferation of Nuclear Weapons. The removal of nuclear weapons from Scotland is a key priority, with a commitment to constitutional prohibition.

[Item 2 – Microsoft Teams messages]

[Redacted]

[Monday 12:22] [Redacted]

we are committed to the principles and note that no NATO member has signed it

[Redacted]

[12:36] [Redacted]

Hi Ewan just wanted to follow on the Q&A in relation to TPNW

[Redacted]

[Item 3 – Extract from media transcript document]

The National

It says as an independent country go directly in the state party, treaties, conventions agreements are signed, ratified. It's my understanding before today that the SNPs position was that the Treaty on the Prohibition of Nuclear Weapons will be signed by an independent Scotland but I don't see this mentioned.

Cab Sec

So we're absolutely committed to signing the Non Proliferation Treaty which I'm right in saying I think it was about 50 years old and the NPT commits all member states, including the United Kingdom to work towards nuclear disarmament, we'd be committed to doing absolutely, that.

In this case, you're talking about inheriting treaty obligations. And that's exactly what we would do. So not only would we be upholding what the NPT is there to guarantee but we would be making a statement that together with other northern European countries, most notably Finland and Sweden, who have just been going through a membership process, that we will be a country that does not host and does not have nuclear weapons.

I think it's really important to on the one hand was talking about this as an issue, not overlook the importance of conventional defence at the present time. I don't know how many of you are aware of this, but the United Kingdom doesn't have a single ocean-going capable conventional naval craft based in Scotland, which is an absolutely extraordinary and unsustainable position.

Just at a time when we're aware of the risks that there have been from bad actors where we've seen sub-sea architecture attacked in the Baltic and North Sea.

It's absolutely critical for us to have the essential conventional naval craft based in Scotland, and that is something that the United Kingdom does not do. So we're absolutely committed to doing that. And we're also committed to having the appropriate land and air capabilities based in Scotland, which are relevant for all of our Northern European neighbours and I think drawing attention to our geostrategic location with the North Atlantic to our west, the Iceland Gap to our north and the North Sea to our east, underlines how important Scotland is and for us to have that conventional capacity to do what all of our Northern European neighbours do. And the UK currently does not do.

The National

Sorry, not the 50-year old one on proliferation, the five year one on the prohibition, the UN treaty.

Cab Sec

Well, as a member states of the United Nations, one will be working with all UN partners and countries. And we look forward to signing a broad range of treaties. I mean, in the paper, we haven't listed all of the international treaties because it would be double the length of the document but the SNPs position on nuclear weapons is long established. And our commitment to not having nuclear weapons in Scotland is also well known and understood and as a UN member state, we would be a signatory. We would inherit those obligations for the Non Proliferation Treaty and we would work with others and ourselves on making sure that we don't have nuclear weapons basically.

STV

What would be the time scale for that?

Cab Sec

I think I mean, as soon and as safely as possible as the is the aim that we have, obviously, we want to work closely with our friends and allies foremost amongst them United Kingdom. And I fully expect them to want to retain their nuclear capability so it's going to be a matter for discussion and negotiation one wants to do that.

STV

Do you have any kind of starting point?

Cab Sec

Well, I mean, my expectation is the UK government would seek to move their submarines as a matter of absolute priority.

If you look at if you look at previous examples of nuclear states, who have nuclear assets and other countries, they sought to repatriate them as a matter of some priority.

So I mean, I know some people have written about there being potentially a desire by others to see things for a long time stationed in Scotland. I don't agree to that. If something is such an important weapon system, I'm sure you'd wish to operate that environment where it was 100% sovereign and operational control, that would not be the case in a base, in which, if you look at the document we're committed, as being joint forces headquarters for Scotland, we require a significant naval base for the conventional craft that we will need to operate in

Scotland and so I would fully expect the United Kingdom to move its nuclear submarines as a priority.

We want to do that by agreement, because it's going to be part of a wider process of establishing an independent Scotland and our own defence forces but I am certain that the UK Government will agree with us that once the decision has been made - I totally understand that an advancement, they would rather didn't happen. They don't want to make changes. They'd rather keep things as they are. If they want to change and people have voted for it and we want to be good partners and neighbours. They will understand that this needs to happen.

And so I'm sure that there will be agreement that this is something that needs to be discussed as a matter of priority, and it's something that needs to be proceeded with as the paper points out, safely and speedily and I'm sure that this is what partners in London will do

STV

But you don't have a specific ambition.

Cab Sec

Well, the sooner, the sooner and the safest, the better. I'm not going to be drawn on any specific timescales when it comes to you know with that, or the membership of NATO or have other questions like that understand why people want to ask the question I get that.

You know, on questions like that, I will draw people's attention to how long it has taken Finland and Sweden to join NATO in the last two years. So these things need not take an extended period. And I'm sure that that's exactly what will happen when it comes to changes that need to happen around nuclear submarines.

But you know, there are there are parallel questions that go with that – the operation of important military bases elsewhere in Scotland. Scotland now only has one operational airbase, one airbase and the footprint for the armed forces has been reducing considerably over recent years.

All of these are things that will need to be discussed with the UK Government and it is in the UK government's interest that an independent that Scotland is capable, is able to do what it can and should be able to do as a Northern European neighbour with a land border to the rest of the UK and we want to be that trusted and capable partner working together with the UK Government and other NATO allies.

So all of this new data will be the subject of discussion, and it will lead to agreement and it's in everybody's interest and that should happen as quickly as possible.

Scotsman

It's just two questions just following up on what was being discussed. Firstly, do you accept there is a category difference between countries like Finland which doesn't possess nuclear weapons, and a country like Scotland which would be removing him from them from its territory.

Those are two very different things, you can't really compare them and who NATO would react to them.

And secondly, just on Xander's point about the treaty and the prohibition of nuclear weapons, which is obviously separate from the NPT. I think Nicola Sturgeon did express a wish to sign this previously, NATO has explicitly said that it's at odds with your position.

Cab Sec

You can ask whichever questions you want, we're going round the houses on the position of both of those things,

Scotsman

Would you sign?

Cab Sec

We will inherit our treaty obligations as part of the Non Proliferation Treaty. And then of course, all other treaties are matters for the for the government of the day.

What I have said, repeatedly now, is that we actually want to live up to our commitments, which the United Kingdom shares, which is for nuclear disarmament, working with the international community to do that. And that's exactly what we will do when we are in this position.

I'm saying that we will do exactly what we will do in relation to the treaties we inherit. And all of the treaties are ones which need to be underscored and underlined as a new member state, we need to be a new member state to be able to do that.

Scotsman

Right. So no commitment to sign.

Cab Sec

I've given an absolute commitment that we'll be signing the Non Proliferation Treaty - I'm making the distinction, I assume you understand the point that I'm making about the difference between inheriting treaty obligations and entering new treaty obligations.

There is a long, long list of treaties that no doubt Scotland will wish to sign up to as a new member state, that we will be inheriting obligations under the NPT.

On the other point, we'll say it again and again, and again. What we're proposing to do is to operate in exactly the same way as all of our neighbouring Northern European states, none of them operate nuclear weapons on their soil. All for may have made it absolutely clear that they don't want to do that. And NATO has welcomed them with open arms.

S38(1)(b) – Personal Information

An exemption under section 38(1)(b) (Personal Information) of FOISA applies to some of the information requested. This is because it is personal data of a third party, and disclosing it would contravene the data protection principles in Article 5(1) of the General Data Protection Regulation and in section 34(1) of the Data Protection Act 2018. This exemption is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exemption.

S30(C) - Prejudice to the Effective Conduct of Public Affairs

While our aim is to provide information whenever possible, in this instance an exemption under Section 30(c) (Prejudice to the Effective Conduct of Public Affairs) of FOISA applies to some of the information you have requested. The reason why this exemption applies is because releasing draft plans for and content of Scottish Government publications and public communications, which do not reflect final decisions taken, would result in inaccurate information on the Scottish Government's proposals for an independent Scotland being published, thereby undermining the Scottish Government's ability to effectively and accurately engage and communicate with the public.

This in turn would be likely to impair the Government's ability to take forward its work on policy development for an independent Scotland. This would constitute substantial prejudice to the effective conduct of public affairs in terms of the exemption.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption. We recognise that there is a public interest in disclosing information as part of open, transparent and accountable government, and to inform public debate. However, there is a greater public interest in enabling the Scottish Government to effectively and accurately engage and communicate with the public on its proposals for an independent Scotland without the risk of these proposals being prejudiced by inaccurate information, which doesn't reflect final decisions taken.

S30(b)(ii) - Free and frank exchange of views for the purposes of deliberation

An exemption under section 30(b)(ii) of FOISA (free and frank exchange of views) applies to some of the information requested. This exemption applies because disclosure would, or would be likely to, inhibit substantially the free and frank exchange of views for the purposes of deliberation. This exemption recognises the need for Ministers and officials to have a private space within which to discuss and explore options before the Scottish Government reaches a settled public view. Disclosing the content of free and frank discussions on an independent Scotland will substantially inhibit such discussions in the future, particularly because these discussions relate to a sensitive or controversial issue such as the Treaty for the Prohibition of Nuclear Weapons.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on

balance, the public interest lies in favour of upholding the exemption. We recognise that there is a public interest in disclosing information as part of open, transparent and accountable government, and to inform public debate. However, there is a greater public interest in allowing Ministers and officials a private space within which to explore and refine the Government's position on this issue, until the Government as a whole can adopt a position that is sound and likely to be effective. This private thinking space is essential to enable all options to be properly considered, so that good policy decisions can be taken. Premature disclosure is likely to undermine the full and frank discussion of issues between Ministers and officials, which in turn will undermine the quality of the decision making process, which would not be in the public interest.

Section 29(1)(a) – Formulation or Development of Government Policy

An exemption under Section 29(1)(a) of FOISA (Formulation or Development of Government Policy) applies to some of the information requested because it relates to the formulation of the Scottish Government's policy on future monetary policy for an independent Scotland.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption. We recognise that there is a public interest in disclosing information as part of open, transparent and accountable government, and to inform public debate. However, there is a greater public interest in high quality policy and decision-making, and in the properly considered implementation and development of policies and decisions. This means that Ministers and officials need to be able to consider all available options and to debate those rigorously, to fully understand their possible implications. Their candour in doing so will be affected by their assessment of whether the discussions on future monetary policy for an independent Scotland will be disclosed in the near future, when it may undermine or constrain the Government's view on that policy while it is still under discussion and development.